

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

PATRICK MICHAEL OKEEFE,

Debtor.

CHAPTER 7

CASE NO. 24-10132-KB

Hearing Date: October 30, 2024

Hearing Time: 11:00 a.m.

**CHAPTER 7 TRUSTEE'S MOTION FOR AUTHORITY TO SELL
CERTAIN ASSET BY WAY OF PUBLIC AUCTION FREE AND CLEAR OF
ALL LIENS, CLAIMS AND ENCUMBRANCES**

Olga L. Gordon, the duly appointed Chapter 7 Trustee (the "Trustee") of the estate of the above captioned debtor hereby requests authority pursuant to Section 363 of the Bankruptcy Code, Rules 2002(a)(2) and 6004 of the Federal Rules of Bankruptcy Procedure and LBR 6004-1 to sell, by way of public auction, certain real property, known and numbered as 10 Henry Cotton Road, Conway, New Hampshire (the "Asset" or "Property"), by way of public auction (the "Auction"), of which $\frac{1}{2}$ interest is property of the debtor's bankruptcy estate. The Sale will be free and clear of all liens, claims and encumbrances with all liens, claims and encumbrances attaching to the proceeds of the Sale to the extent permitted by law.

In support thereof, the Trustee states as follows:

1. On February 29, 2024, Patrick Michael OKeefe (the "Debtor") filed a voluntary petition pursuant to Chapter 7 of 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code").

2. On March 1, 2024, the Trustee was appointed as the Chapter 7 Trustee of the Debtor's bankruptcy estate.

3. On October 3, 2024, this Court entered a Default Judgment in Adversary Proceeding No. 24-1006 [Doc. No. 14], providing the following:

- a) The Debtor's transfer of the real property known and numbered as 10 Henry Cotton Road, Conway, New Hampshire is avoided and set aside pursuant to 11 USC § 549(a) and deemed recovered by the Trustee pursuant to 11 USC §§ 550 and 551 for the benefit of the bankruptcy estate; and

b) The Trustee is authorized to sell both the Debtor's interest and the co-owner's interest in the Property, pursuant to 11 USC § 363(h).

4. The Property is a single family home of which ½ interest is property of the bankruptcy estate. Upon information and belief, the Property is occupied by a tenant.

5. There is a valid secured claim asserted against the Property held by Mr. Cooper in the approximate amount of \$441,000. On August 14, 2024, this Court entered an Order denying the Debtor's asserted exemption in the Property [Doc. No. 45]. Therefore, there is no valid exemption against the Property.

6. The Trustee has determined that the sale of the Property at a public auction, to be conducted at the Property, is in the best interests of the bankruptcy estate.

7. The Trustee has not obtained an appraisal of the Asset. The Trustee believes that through the notices and publications of the Auction as detailed below, the estate will obtain a fair market value for the Property.

8. The Auctioneer will arrange to have the auction advertised primarily on-line and through the Auctioneer's database of contacts who may be interested in purchasing the Asset and will also contact other parties who the Trustee and the Auctioneer regard as potential bidders.

9. The sale will be "AS IS" and "WHERE IS" without any representations or warranties of any kind including WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

10. If this Motion is approved by the Court, it is the Trustee's intention to sell the Assets at a public auction to be held at the Property on December 5, 2024 at 2:00 p.m. or a date thereafter.

11. The Trustee believes a public sale of the Property will bring the estate an amount equal to that which would be obtained by way of a private sale.

12. The Trustee states that, pursuant to LBR 7102(b)(2), an accompanying memorandum of law should not be required for the relief requested herein because the relevant law has been sufficiently set forth in this Motion.

WHEREFORE, Olga L. Gordon, the Trustee herein, requests that this honorable Court enter an Order:

- a) granting the Trustee the authority to sell the Property by way of a public auction free and clear of all liens, claims and encumbrances;
- b) authorizing the Trustee to pay the holders of all undisputed liens on the Property from the sale proceeds without further Court order;
- c) finding that the sale of the Property is in good faith;
- d) approving the form of the proposed Notice of Intended Public Sale which is filed concurrently herewith; and
- e) granting such other relief that is just and equitable.

Respectfully submitted,
OLGA L. GORDON, CHAPTER 7 TRUSTEE,
By her attorneys,

/s/ Olga L. Gordon
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Dated: October 8, 2024

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

PATRICK MICHAEL OKEEFE,

Debtor.

CHAPTER 7

CASE NO. 24-10132-KB

Hearing Date: October 30, 2024

Hearing Time: 11:00 a.m.

**CHAPTER 7 TRUSTEE'S NOTICE OF INTENDED
SALE OF CERTAIN ASSET BY PUBLIC AUCTION FREE AND CLEAR OF
ALL LIENS, CLAIMS AND ENCUMBRANCES**

1. Notice is hereby given, pursuant to 11 U.S.C. §363, Fed. R. Bankr. P. 2002(a)(2) and 6004 and LBR 2002-1 and 6004-1(b), that Olga L. Gordon, the Chapter 7 Trustee (the "Trustee") of the estate of Patrick Michael Okeefe (the "Debtor") intends to sell at public auction, free and clear of all liens, claims and encumbrances all of the Trustee's right, title and interest, along with the co-owner's interest in certain real property, known and numbered as 10 Henry Cotton Road, Conway, New Hampshire (the "Asset" or "Property"), of which ½ interest is property of the debtor's bankruptcy estate:

2. The Property will be sold at a public auction to be held at the Property on December 5, 2024 at 2:00 p.m. or at a date and time thereafter.¹

3. James R. St. Jean Auctioneers will conduct the auction for the Trustee (the "Auctioneer"). (See www.jsjauctions.com)

4. On October 3, 2024, this Court entered a Default Judgment in Adversary Proceeding No. 24-1006 [Doc. No. 14], providing the following:

- a. The Debtor's transfer of the real property known and numbered as 10 Henry Cotton Road, Conway, New Hampshire is avoided and set aside pursuant to 11 USC § 549(a) and deemed recovered by the Trustee pursuant to 11 USC §§ 550 and 551 for the benefit of the bankruptcy estate; and
- b. The Trustee is authorized to sell both the Debtor's interest and the co-owner's interest in the Property, pursuant to 11 USC § 363(h).

¹ Interested parties should contact the Auctioneer to confirm the date and time of the Auction.

5. The Property is a single family home of which ½ interest is property of the bankruptcy estate. Upon information and belief, the Property is occupied by a tenant. The Trustee has authority to sell the entire Property.

6. There is a valid secured claim asserted against the Property held by Mr. Cooper in the approximate amount of \$441,000. On August 14, 2024, this Court entered an Order denying the Debtor's asserted exemption in the Property [Doc. No. 45]. Therefore, there is no valid exemption against the Property.

7. THE SALE IS "AS IS" AND "WHERE IS" WITHOUT ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND, AND EXPRESSLY EXCLUDES ANY WARRANTY OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

8. The Trustee reserves the right to amend or alter the terms of the Auction.

9. Unless a creditor or other party in interest files a written objection to said proposed Auction with the Court, the Auctioneer will proceed to conduct the aforesaid auction of the Assets as contemplated herein without further action of the Court.

10. Any and all objections to the Chapter 7 Trustee's Motion for Authority to Sell Certain Asset By Way of Public Auction (the "Motion to Sell") must be filed in writing with the Clerk of the Court, United States Bankruptcy Court for the District of New Hampshire, Warren B. Rudman United States Courthouse, 55 Pleasant Street, Concord, New Hampshire 03301 on or before October 23, 2024 and copies thereof delivered to the Trustee at the address listed below.

11. Any objection shall state the Debtor's name, case number and in addition, state what, if any, interest the party filing an objection has in the case and specifically state the basis of any such objection.

12. If no objection to the sale is timely filed, the Bankruptcy Court in its discretion may grant the Motion.

13. The Court will hold a hearing on the Motion To Sell on **October 30, 2024 at 11:00 a.m.** at the United States Bankruptcy Court for the District of New Hampshire, Warren B. Rudman United States Courthouse, Courtroom A, 55 Pleasant Street, Concord, New Hampshire 03301.

14. Any party filing an objection must be present at the hearing.

15. The Trustee reserves the right to reject any and all bids and to remove the Asset from the Auction if she deems such action to be in the best interest of the bankruptcy estate.

Respectfully submitted,

OLGA L. GORDON, CHAPTER 7 TRUSTEE,
By her attorneys,

/s/ Olga L. Gordon

Olga L. Gordon, Esq., BNH06338

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Dated: October 8, 2024

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

PATRICK MICHAEL OKEEFE,

Debtor.

CHAPTER 7

CASE NO. 24-10132-KB

Hearing Date: October 30, 2024

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**ORDER GRANTING CHAPTER 7 TRUSTEE’S MOTION FOR AUTHORITY TO SELL
CERTAIN ASSET BY WAY OF PUBLIC AUCTION FREE AND CLEAR OF ALL
LIENS, CLAIMS AND ENCUMBRANCES**

Upon consideration of the Chapter 7 Trustee’s Motion For Authority To Sell Certain Asset By Way of Public Auction Free And Clear Of All Liens, Claims And Encumbrances (the “Motion”), it is hereby

ORDERED, that the Trustee is authorized to sell the property known and numbered as 10 Henry Cotton Road, Conway, New Hampshire (the “Property”) by way of a public auction free and clear of all liens, claims and encumbrances; and it is hereby

ORDERED, that the Trustee is authorized to pay the holders of all undisputed liens on the Property from the sale proceeds without further Court order; and it is hereby

ORDERED, that the sale of the Property is in good faith; and it is hereby

ORDERED, that the proposed Notice of Intended Public Sale is approved; and it is hereby

ORDERED, that this sale is in accordance with this Court’s Order dated October 3, 2024, entering a Default Judgment in Adversary Proceeding No. 24-1006 [Doc. No. 14] and authorizing the sale of the Property pursuant to 11 U.S.C. §363(h); and it is hereby

ORDERED, that the Trustee and/or Auctioneer shall file a Report of Sale within 14 days of the closing on the sale.

Dated: _____

HONORABLE KIMBERLY BACHER
UNITED STATES BANKRUPTCY COURT